

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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BILLY JOVAN SAIZ,

Petitioner,

Case No. 2:23-cv-01228-ART-BNW

v.

BRIAN E. WILLIAMS, SR.,

Respondents.

DISMISSAL ORDER

Petitioner Billy Jovan Saiz, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1.) However, Saiz failed to pay the standard \$5.00 filing fee or file an application for leave to proceed *in forma pauperis* (“IFP”). On August 9, 2023, this Court ordered Saiz to pay his filing fee or file an IFP application within 45 days. (ECF No. 4.) Saiz was warned that “failure to timely comply with this Order will result in the dismissal of this action without prejudice and without further advance notice.” (*Id.* at 2.) That 45-day deadline expired on September 23, 2023. To date, Saiz has not paid his filing fee, submitted an IFP application, requested an extension of time, or taken any other action to prosecute this case.

It is therefore ordered that this action is dismissed without prejudice based on Petitioner Billy Jovan Saiz’s failure to comply with the Court’s August 9, 2023, order (ECF No. 4). A certificate of appealability is denied, as jurists of reason would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.

It is further ordered that the Clerk of Court (1) add Nevada Attorney General Aaron D. Ford as counsel for Respondents,<sup>1</sup> (2) informally serve the Nevada Attorney General with the petition (ECF No. 1-1), this order, and all other filings

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<sup>1</sup> No response is required from Respondents other than to respond to any orders of a reviewing court.

1 in this matter by sending notices of electronic filing, (3) enter final judgment  
2 accordingly, dismissing this action without prejudice, and (4) close this case.

3 DATED THIS 16<sup>th</sup> day of October 2023.

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ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE

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